

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

PHILLIP RANDY STAPLES,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	CIVIL No: 5:23-CV-00068-TES-CHW
Commissioner TYRONE OLIVER,	:	
<i>et al.,</i>	:	
	:	
Defendants	:	

ORDER

Pro se Plaintiff Phillip Randy Staples, a prisoner at Washington State Prison in Davisboro, Georgia, has filed a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1. Plaintiff has also filed a motion for leave to proceed *in forma pauperis*. ECF No. 2. A review of the Court’s records reveals that the above-captioned claim is duplicative of another claim filed by this Plaintiff. *See Staples v. Oliver*, 5:23-cv-00067-TES-MSH. In both claims, Plaintiff complains about his medical care at Washington State Prison with incident dates of January 13 and January 17, 2023. *Compare* ECF No. 1 *with* ECF No. 1 in *Staples v. Oliver*, 5:23-cv-00067-TES-MSH.

“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative” of another active case. *Curtis v. Citibank*, 226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative ... if the parties, issues, and available relief do not significantly differ between the two actions.” *IA. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986). Because the pleadings in these cases allege the

same failure to properly treat Plaintiff's heart condition, the present action is **DISMISSED** as duplicative. Plaintiff cannot file any other pleadings under this civil action number, 5:23-cv-00068-TES-CHW. All future pleadings as to this claim must be filed in *Staples v. Oliver*, 5:23-cv-00067-TES-MSH and show that case number on his filings.

SO ORDERED, this 13th day of March, 2023.

S/ Tilman E. Self, III

TILMAN E. SELF, III., JUDGE
UNITED STATES DISTRICT COURT